MINUTES - REGULAR MEETING
SANTA MARIA CITY COUNCIL

CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA

DECEMBER 18, 2012

INVOCATION:
Friar Gregory Dick of St. Michael's Abbey in Orange County gave the invocation. Friar Dick is a close, personal friend of Police Chief Martin and his wife. They have traveled to Israel together. Friar Dick is 1 of 70 Norbertine Priests who live and work at the Abbey and assist local parishes with services. He is also the youngest of 14 children.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Mayor-Elect Patino's grandchildren, Dominic, Tanner, Sofia, and Gabriella Patino, led the Pledge of Allegiance.

CALL TO ORDER

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Cordero, Orach and Patino and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, City Librarian Housel, Police Chief Martin, Fire Chief Orr, Director of Recreation and Parks Posada, Director of Utilities Sweet, Director of Administrative Services Visé, Director of Public Works/City Engineer Whitehead, Deputy City Manager Barnhard, Police Commander Ritz, City Clerk Rodriguez, Business Services Manager Long, and Chief Deputy City Clerk Garietz.

1. CEREMONIAL ITEMS/PROCLAMATIONS/PRESENTATIONS:

A. OATH OF POLICE CHIEF.
City Manager Haydon introduced Chief of Police Martin and gave an overview of his qualifications.

Mayor Lavagnino administered the City's Oath of Office to the new Chief of Police Ralph Martin.

Police Chief Martin gave an overview of his reasons for applying and accepting the permanent position as Chief of Police. He is looking forward to a new chapter in the history of the Police Department. He commented that there will be challenges ahead, and at times it will not be easy, but he looks forward to leading a team of dedicated professionals in the Police Department. He is gratified by the show of confidence in his ability to succeed in his mission.

B. CERTIFICATE OF CANVASS OF GENERAL MUNICIPAL ELECTION.
Chief Deputy City Clerk Garietz gave the staff report. The City of Santa Maria consolidated its General Municipal Election held on November 6, 2012, with the Statewide General Election conducted by the County of Santa Barbara Elections Division. On December 4, 2012, County Clerk-Recorder Joseph Holland certified the election results. Based on the certified election results, Councilmember Alice Patino was elected for the position of Mayor, Councilmember Orach was re-elected for another four-year term and Terri Zuniga was elected as a new member of the City Council for a four-year term. For the position of City Clerk, Patti Rodriguez was re-elected for another four-year term and for City Treasurer, Teressa Hall was re-elected for another four-year term. The County Clerk-Recorder's Certificate of Election Results of the Official Canvass must be accepted by the City Council.

Mayor Lavagnino announced that Spanish translation was available in the Conference Room.

Public Comment:
Tom Fayrum presented Mayor Lavagnino with a gift of a levee rock, and thanked him for his work on getting the levee project complete.

Frances Romero, Mayor of the City of Guadalupe, thanked Mayor Lavagnino for his partnership and support to the City of Guadalupe.

Steve Lavagnino, 5th District, County Board of Supervisors and son of Mayor Lavagnino, congratulated Alice Patino indicating that she would do an outstanding job for the City. He also congratulated the other newly elected officials. He spoke of the many contributions made by Mayor Lavagnino and his love for the City of Santa Maria. On the Mayor's behalf, he provided special thanks to all the City employees, former City Manager Ness, City Manager Haydon, and longtime secretary and City Clerk Patti Rodriguez. Mayor Lavagnino considers them a part of their family. He also expressed thanks to the Mayor's wife, Donna, for all of her sacrifices as the First Lady of Santa Maria.

Mayor Lavagnino expressed his love for his children, and thanked Steve for his heartfelt comments.

Resolution No. 2012-137 was adopted accepting the County Clerk's Certificate of Election Results of the Official Canvas, was adopted on motion by Councilmember Cordero, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Boysen, Cordero, Orach, Patino, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2012-137 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2012, IN CONJUNCTION WITH THE STATEWIDE GENERAL ELECTION AND ACCEPTING COUNTY CLERK'S CERTIFICATE – RESULTS OF THE OFFICIAL CANVASS.

C. OUTGOING COUNCILMEMBER CORDERO AND MAYOR LAVAGNINO WILL BE GIVEN THE OPPORTUNITY TO SPEAK BEFORE STEPPING DOWN FROM THE DAIS.

MICHAEL CORDERO DAY
Mayor Pro Tem Orach read and presented a proclamation declaring December 18, 2012, as "Michael Cordero Day" in the City of Santa Maria.

Councilmember Cordero spoke about his time on the Council, and thanked those who stood by him during his campaign and during his service on the Council. He also thanked each of the Councilmembers that he has worked with, the department heads, and staff. He indicated that he was looking forward to what may happen in the future. He also thanked his wife for her support.

Mayor Lavagnino thanked Councilmember Cordero for his service to the City, indicating that he had done a great job. He also thanked him for his support on items before the Council that were of extreme importance to the City of Santa Maria, as well as for his friendship.

Councilmember Boysen stated that Councilmember Cordero has served the City well, and he was proud to serve along side him over the past two years. He indicated that Councilmember Cordero shared many of the same passions regarding homelessness. He has appreciated Councilmember Cordero's insight with regard to public safety. Councilmember Boysen stated the Councilmember Cordero was a man of integrity.

Councilmember Orach spoke about the many years he has known Councilmember Cordero and of his service to the community. He indicated that Councilmember Cordero's work with non-profits was a great support to the community. He thanked him for his friendship.

Councilmember Patino thanked Councilmember Cordero for his service to the City and for his time on the Council. She also thanked him for running a great campaign.

City Manager Haydon thanked Councilmember Cordero for his time and service on behalf of the City and its employees. He had provided over 40 years serving the community, 36 years were as a Police Officer. Councilmember Cordero had served on many boards for non-profit agencies and volunteered countless hours to the City.

Deputy City Manager Barnhard presented him with a framed photo of the Council as a gift from the employees of the City of Santa Maria.

LAURENCE "LARRY" LAVAGNINO DAY
Mayor Pro Tem Orach read and presented a proclamation declaring December 18, 2012, as "Laurence "Larry" Lavagnino Day" in the City of Santa Maria.

Mayor Lavagnino thanked the people of the City for their confidence in him as Mayor over the last ten years. He commented on his service with SBCAG and the opportunity to serve on the SBCAG Board with his son, 5th District Supervisor, Steve Lavagnino. Mayor Lavagnino thanked the City staff. He commented on the reception line to greet him this morning at City Hall. He provided special thanks to Patti Rodriguez, Toni Lane, and Tina Garcia for their help over the years. He also thanked former City Manager Ness and City Manager Haydon for guiding him and the City of Santa Maria through some rough times. Mayor Lavagnino expressed his appreciation to his family and thanked his wife for her support over the years. He also gave thanks to the current and past City Councils, and to the citizens of Santa Maria for the privilege of being Mayor of his hometown, representing them and the City he loves.

Councilmember Boysen thanked him for his service and his accomplishments over the years, particularly with capital projects. He indicated that it took significant leadership and foresight on his part. He also complimented him on his ability to run a meeting, and for knowing the delicate balance it takes with the public's right to speak and making sure the meeting continued running smoothly and efficiently.

Councilmember Patino indicated that Mayor Lavagnino's honesty, impartiality, integrity, and representation of the City of Santa Maria had always been impeccable. She thanked his wife, Donna, for her support as well.

Councilmember Orach commented that he would "ditto" the statements made by others. He stated that he had the opportunity to serve with Mayor Lavagnino throughout the years both on and off the dais. He thanked him for his service.

Councilmember Cordero commented that Mayor Lavagnino's openness and willingness to share his insight had helped him to make decisions in Closed Sessions that were sometimes difficult ones to make. He stated that having served with Mayor Lavagnino on City Council and being a little more involved in his life has made him a better person.

City Manager Haydon spoke about his time working with Mayor Lavagnino and that he was truly a friend to the City family. Mr. Haydon stated that he had known him since he began his first day with the City of Santa Maria 16-years ago. He quoted Mayor Lavagnino's favorite saying that "life is good," and told him that he had been very good to the City of Santa Maria and was a friend to all of us. He referenced another of the Mayor's favorite quotes that "it is better to live one day as a lion, than 100 years as a sheep." Mr. Haydon commented that the lion was the king of the jungle, and Mayor Lavagnino was the closest the City had to a King.

Deputy City Manager Barnhard presented Mayor Lavagnino with a framed photo of the Council as a gift from the employees of the City of Santa Maria.

Councilmember Cordero and Mayor Lavagnino stepped down from the dais.

Mayor Pro Tem Orach called for a one-minute recess before swearing in the newly elected officials.

D. SWEARING IN OF NEWLY ELECTED OFFICERS.

Chief Deputy City Clerk announced that newly re-elected City Treasurer Teressa Hall was unable to attend the evening's ceremony and will receive her Oath of Office at a later date. Chief Deputy City Clerk requested that City Clerk Patti Rodriguez step forward to take her Oath of Office. The Oath of Office was administered to re-elected City Clerk Rodriguez, and she was presented with a Certificate of Election.

City Clerk Rodriguez requested that Bob Orach and Terri Zuniga step forward to take their Oath of Office. The Oath of Office was administered to re-elected Councilmember Orach and newly elected Councilmember Zuniga, and they were each presented with a Certificate of Election. City Clerk Rodriguez requested that Alice Patino step forward to take her Oath of Office, and her grandchildren joined her. The Oath of Office was administered to newly elected Mayor Patino, and she was presented with a Certificate of Election.

E. NEWLY ELECTED OFFICERS TO BE SEATED AND GIVEN THE OPPORTUNITY TO SPEAK.

Councilmembers Orach and Zuniga, and Mayor Patino took their seats at the dais.

City Clerk Rodriguez thanked everyone who voted for her, and indicated that it was an honor to serve the community.

Mayor Patino welcomed Councilmember Zuniga to the City Council.

Councilmember Zuniga thanked her ten grandchildren for attending the ceremony. She thanked City staff for answering all of her questions, and she looks forward to meeting everyone. She also thanked the voters, the volunteers who helped with her campaign, her campaign manager, and SEIU Local 2020 for their help and support to sell her message that "together they could celebrate their rich diversity and work together to create a community that works and that has solutions that meet all of our needs." She stated it was a victory she shared with them. She also thanked her family for their support.

Councilmember Orach stated that he had been blessed to serve the City over the years. He thanked his wife, and the voters for their support. He hopes to continue to help the City thrive, to be universal and diversified.

Mayor Patino stated that it was a humbling experience sitting at the dais and to have the support of the people of Santa Maria. She commented that she was proud to have a small portion of her family there tonight. She introduced some family members, and thanked them again for being there. She plans to be a Mayor to all the citizens of Santa Maria without special interests. Mayor Patino stated that a City should be guided by the principle that it has to serve its citizenry, guarantee their personal security and wellbeing while providing a supportive framework for commercial and personal growth. The City has a great infrastructure, but there was a lot more that could be done. She encouraged people to attend Council meetings to provide their input.

RECESS:
Mayor Patino called a 15-minute recess at 7:45 p.m. for a reception to recognize the newly elected officers.

RECONVENE:
Mayor Patino reconvened the Regular City Council meeting at 8:03 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Boysen, Orach, Zuniga and Mayor Patino.

F. LIGHTS, SIGHTS, AND HOLIDAY NIGHTS
Director of Recreation and Parks Posada introduced Facility Specialist II Fuentes and announced the winners of the 2012 "Lights, Sights, and Holiday Nights Holiday Decoration Contest," and Recreation & Parks Commissioners Brunello and Pratt presented awards to those who were present. The City was divided into four quadrants in order to award a Best Residence to each section of town. This year's winners were:

Lifetime of Achievement Winners
Earl and Donna Thacker – 1749 North Vine Street
Michael B. Clayton and Associates Attorney at Law – 400 East Orange Street

Best Decorated Residence (4 quadrants)

South East Quadrant	Murillo Family	639 Forbes Place
South West Quadrant	Romeo and Minda Aguinaldo	2436 Rolling Green Drive
North East Quadrant	Enriguez Family	519 North Brian Street
North West Quadrant	Diane Alexander	1027 West El Camino Street

Best of Show
Robert and Sandra Dickerson – 104 Palm Court

The Spirit of Santa Maria
Marian Medical Center – 1400 East Church Street

Best Animation
John Hindle – 1030 Cortez Drive

Best Craftsmanship
Bob and Stephanie Melena – 1324 Valley Oak Place

Award of Excellence Winners
Ron and Bobbi Wulfing – 512 North College Drive
Larry and Patti Stewart – 330 South Scott Drive
Jerry and Sylvia Meisenzahl – 209 Sycamore Streert
Catherine Meisenzahl – 519 West Taylor, Space 76
Tom and Linda Emery – 202 North Palisade Drive
Lopez Residence – 2040 Lassen Drive
James Alexander – 1324 Marie Court
Moreno Mortuary – 214 North Lincoln Street
Martinez Residence – 1041 De Gamma
Betty's Fabrics – 1627 South Broadway
Robert and Glynda Dias – 670 East Newlove Drive
Cardona Residence – 524 North Brian

2. PUBLIC COMMENT
Ernest Armenta spoke about the value of his vote and asked if it carried the same weight and influence as those people who give campaign donations. He also commented that employees should have the choice to opt out of belonging to a union, and he encouraged the public to attend the Council meetings.

Sandra Williamson spoke about a personal situation with a stalker and her dealings with Councilmember Zuniga through the victim witness program.

Former Councilmember Mike Cordero congratulated Mayor Patino, and Councilmembers Orach and Zuniga on their elections. He spoke about comments made at a previous meeting regarding the support of Etta Waterfield to fill the vacant Council seat, and to the suggestion that he may not be cooperative with the new Council. After reviewing past actions from the minutes online, he indicated that he and Mayor Patino voted the same way 97 percent of the time. He indicated that he wanted to clear up any misconceptions that he would not be cooperative in working with the new Council should he be selected to fill the vacancy.

3. CONSENT CALENDAR
Councilmember Orach asked to comment on Item 3C. Councilmember Boysen asked to comment on Item 3F.

3C – Cancellation of January 2013 Meetings
Councilmember Orach commented that he wanted the public to be aware that the first meetings in January 2013 for the City Council and Planning Commission were being cancelled.

3F – Growth Mitigation Annual Compliance Report
Councilmember Boysen asked for clarification on the fees charged for Recreation and Parks and Traffic Mitigation fees as they relate to single family homes and senior affordable housing. He indicated that special consideration was not given to seniors and affordable housing with Growth Mitigation fees.

Director of Public Works/City Engineer Whitehead responded the Recreation and Parks fees were based on a land use designation by allocating the number of people in the land use, and calculated by the number of square fee allocated to one person. The fee was an estimate on the impact to services within the land use. The Traffic Mitigation fees were calculated by the number of peak hour trips based on the particular land use.

Consent Calendar Items 3A through 3H were approved on motion by Councilmember Orach, seconded by Councilmember Zuniga, and carried on the following vote:

AYES: Councilmembers Boysen, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES.
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES.
The Minutes of the Regular City Council Meeting of December 4, 2012, were approved as submitted.

C. CANCEL FIRST MEETINGS IN JANUARY.
Resolution No. 2012-138 was adopted cancelling the first meetings in January 2013, for both the City Council and the Planning Commission.

Resolution No. 2012-138 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CANCELLING THE FIRST MEETING IN JANUARY FOR BOTH THE CITY COUNCIL AND THE PLANNING COMMISSION.

D. WARRANTS.
Warrant Nos. 176522 to 176764 totaling $1,406,162.97 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 176029 and 176176 were cancelled.

E. PAYROLL.
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. GROWTH MITIGATION ANNUAL COMPLIANCE REPORT
The City Council received and filed the Growth Mitigation Annual Compliance Report.

G. WEED ABATEMENT RE-MOWS

The City Council adopted Resolution No. 2012-139 approving and confirming a report of additional weed abatement costs for assessment purposes, and directed staff to notify the County Auditor Controller's Office to collect the assessments as part of the property tax bills.

Resolution No. 2012-139 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING REPORT OF WEED ABATEMENT COSTS FOR ASSESSMENT PURPOSES BY THE STREETS AND FACILITIES SUPERVISOR.

H. SAFE ROUTES TO SCHOOL (SR2S) GRANT

The City Council adopted Resolution No. 2012-140 authorizing the appropriation of $84,500 to be allocated for upgrades of area school signage, crosswalk improvements, vehicle speed feedback signs, and development of a bilingual public outreach and education program as outlined in the grant application under the provisions of the State of California Safe Routes to School Grant Funding Program.

Resolution No. 2012-140 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE SAFE ROUTES TO SCHOOL GRANT FUND PROJECT.

4. COUNCIL DISCUSSION REGARDING FILLING OF THE VACANT CITY COUNCIL SEAT.

City Manager Haydon gave a presentation as detailed in the written Council Agenda Report. He outlined the options available to fill the vacant City Council seat. The City had experienced vacancies of the Councilmembers' seats four times in the past 20 years. All four vacancies were filled by appointment, rather than by special election because of the cost associated with conducting a special election. Three of the four vacancies were filled by the Council appointing the third highest vote-getter in the General Election, and one vacancy was appointed by Council after soliciting applications from interested individuals. Pursuant to Government Code Section 36512, the City Council shall, within 60 days from the commencement of a vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The four options the Council has to fill the vacancy are: 1) direct staff to return on January 15, 2013, with a resolution calling for a Special Municipal Election to be held on June 4, 2013; 2) direct staff to return on January 15, 2013, with an ordinance providing for the appointment to fill the vacant City Council seat on a temporary basis until such time as a special election could be held, and a resolution calling for a Special Municipal Election to be held on June 4, 2013; 3) adopt Resolution No. 2012-141 making an immediate appointment to fill the vacant unexpired two-year term of office on the City Council; or 4) direct staff to advertise the vacancy and accept applications from interested persons to be interviewed and appointed on January 15, 2013, to fill the unexpired two-year term of office on the City Council.

Public Comment:

Bob Morrison, George Enriquez, Rodger Brown, Willie Green, Rick Bloome, Christine Malenkoff, Paul Berry, Robert Dickerson, David Pratt, Jack Salling, Marlin Brown, Clark Crandall, Anthony Morales (President of Fire Fighters Local 2020), Al Ladue, Nancy Stewart, Jerry Schmidt, Bob Hatch, and Etta Waterfield each spoke in support of the immediate appointment of Etta Waterfield to fill the unexpired term on the City Council.

Marcela Gonzalez (representing PUEBLO), David Gomez, Walter Taylor, Lisa Taylor, Tom Radzminski (representing the Santa Maria Police Officer's Association), Daniel Vegezzi (President of SEIU Local 620), and Marlene Ochoa each spoke in support of the appointment of Mike Cordero to fill the unexpired term on the City Council. Walter Taylor also suggested that if Mike Cordero was not appointed to the Council, that he should be considered for appointment to the Planning Commission.

Jose Castellanos representing LULAC, John Raymond, and Daryl Sheck (SEIU Representative) supports the application and interview process.

Ernest Armenta spoke in favor of holding a special election.

There were also suggestions from speakers to implement a policy to address future vacancies on the City Council.

Mayor Patino asked that a letter from Sister Janet Corcoran be read into the record. The letter was read by Chief Deputy City Clerk Garietz which provided prayers for the Council's decision in filling the vacant Council seat.

Council Discussion:

Mayor Patino spoke about the election, and indicated that it was an application process. She did not see the fiscal responsibility in holding a special election and asking the tax payers of the City to foot the bill for another election, particularly on the heals of the special election for Measure U. The City was not

out of the woods with the approval from the voters of Measure U. She stated that it would be arrogant to dismiss the votes of 9,217 people who voted for Etta Waterfield, separating Councilmember Orach by only 2 votes.

Councilmember Boysen indicated that an election campaign was expensive. The candidates that ran for election made the investment and spent a lot of money to run for the election. He suggested that individuals be given a "no-cost" opportunity to step forward and contend for the City Council seat through an application process. He indicated that a special election should not be one of the alternatives the Council should consider; and that someone should be appointed, but through an application process. He stated that he was aware of Etta's service to the City as a member of the Planning Commission, but he had not had the opportunity to ask her in depth questions regarding her vision and passion for the City, and what she feels are critical issues for the City. He supports the application process to fill the vacancy.

Councilmember Zuniga stated that the cost of running an election was expensive; and during this election, campaigns ranged from $94,000 to $16,000. She commented that she respects the effort Etta had put into running her campaign. She was also aware of Etta's strong background in planning and business, but there were other issues such as public safety, housing, traffic, and crime of greater concern. Councilmember Zuniga said that in order to get the best person for the job, she would like to open the process up to receive applications and see who comes forward. The best candidate may end up being Etta Waterfield, but it would also provide the opportunity for someone to be considered who did not have $95,000 to spend on a campaign. She indicated that a policy should be implemented so that the City would not face this situation again in the future.

Councilmember Orach commented that he has had the opportunity to serve the community many times. He has spent money to run a campaign. In 1994, he was beaten by Abel Maldonado with 84 votes, and then was appointed as the third highest vote-getter by the City Council to retain his seat. The election nomination period provides for an application process. He spoke about a conversation with a bargaining unit representative who made strong suggestions that the third highest vote-getter should be appointed following the first reporting of voting results on election night when Terri Zuniga was in third place. He stated that now Councilmember Zuniga had been elected, the bargaining unit representative's stance had changed. The representative spoke this evening to encourage the appointment of Mike Cordero. The people that he has spoken to have not suggested an application process or a special election to fill the vacancy, but have encouraged appointing the third highest vote-getter.

Option #3: Councilmember Orach motioned to adopt Resolution No. 2012-141 making an immediate appointment to fill the vacant unexpired two-year term of office on the City Council with Etta Waterfield, and seconded by Mayor Patino.

Following the motion, Mayor Patino commented that it was so important to come together and compromise or the Council will have trouble approving budget amendments and CDBG grant funding allocations. She stated that both Councilmembers Boysen and Zuniga must recuse themselves from voting on CDBG funding matters because of their employment. This would mean that the funding would not be able to be distributed to the organizations that need it.

Councilmember Boysen asked that the Council not have this discussion tonight and vote to immediately appoint Etta Waterfield, and force him into a "no" vote. He would really like to see the Council agree to open up the application process. He stated that when he ran for election in 2010, he promised that he would make every decision with the idea that he would not run for re-election in 2014.

Councilmember Zuniga commented that she was not suggesting the Etta Waterfield was not the best person for the job. An application process would provide the transparency Councilmember Orach discussed. She stated that an affective Council was not going to agree all of the time. Business may get done efficiently and expediently, but that did not mean everyone's voice was going to be heard. A diversity of opinions was important. She asked that she also not be forced into taking a vote this evening. She encouraged the Council to consider the application process.

Resolution No. 2012-141 making an immediate appointment to fill the vacant unexpired two-year term of office on the City Council with Etta Waterfield, the third highest vote-getter, on motion by Councilmember Orach, seconded by Mayor Patino, and failed to pass on the following vote:

AYES: Councilmembers Orach and Mayor Patino
NOES: Councilmembers Boysen and Zuniga
ABSENT: None
ABSTAIN: None

Resolution No. 2012-141 was not adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPPOINTING ETTA WATERFIELD TO FILL AN UNEXPIRED TERM OF OFFICE ON THE CITY COUNCIL.

Option #4: Direct staff to advertise the vacancy and accept applications from interested persons to be interviewed and appointed on January 15, 2013, to fill the unexpired two-year term of office on the City Council, on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and failed to pass on the following vote:

AYES: Councilmembers Boysen and Zuniga
NOES: Councilmembers Orach and Mayor Patino
ABSENT: None
ABSTAIN: None

There was no Council discussion following the motion.

There was a consensus of the Council that Options #1 and #2 calling for a special election or adopting an ordinance making a temporary appointment until a special election could be held were not desired options.

Councilmember Boysen made a motion to continue the matter to the next meeting on January 15, 2013, seconded by Councilmember Zuniga, and carried on the following vote:

AYES: Councilmembers Boysen, Orach, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

5. NOMINATION AND ELECTION OF MAYOR PRO TEM
Mayor Patino indicated that she would like to wait to make the appointment of the Mayor Pro Tem until the fifth member of the Council was seated.

Mayor Patino called for a five minute recess. The meeting reconvened at 10:05 p.m. with all members of the Council present.

6. DISCUSSION OF THE NOMINATION AND APPOINTMENT PROCESS FOR ALL CITY BOARDS, COMMISSIONS AND COMMITTEES. City Manager Haydon gave a presentation as detailed in the written Council Agenda Report. Each year, the City Council makes appointments to various City Boards, Commissions and Committees. As authorized by City Council Policy #88-2, which was subsequently revised by City Council Policy #95-1, the current appointment process is that board members are nominated by individual Councilmembers, appointed by the Mayor, and confirmed by a majority of the City Council (including the Mayor). There are four City boards that individual Councilmembers make a nomination, the Mayor appoints, and the City Council confirms the appointment: 1) All-America City Committee; 2) Block Grants Advisory Committee; 3) Planning Commission; and 4) Recreation & Parks Commission. The Measure U2012 Citizen's Oversight Committee was the only committee where individual Councilmembers make a nomination and the City Council confirms the appointment. The Committee was recently formed and currently did not have any members appointed to it. Councilmember Boysen requested that staff look into all board appointments and place an item on a future agenda to change the process by which appointments were made to various boards, commissions and committees. Councilmember Boysen voiced his concern about the Mayor making the appointments and indicated that he would prefer that individual Councilmembers make nominations and the majority of the City Council confirm the appointments. Staff was directed to bring the issue back for further discussion prior to future appointments to other boards. The Council would be discussing the annual appointments to the various boards, commissions, and committees at its next meeting. Staff was asking for direction as to whether or not there was consensus on the City Council to change the established process for appointing members of the public to various boards.

Public Input:
Ernest Armenta commented that in the past when a Councilmember has made a nomination to a particular board, the Mayor has respected the nomination and appointed that person.

Council Discussion:
Councilmember Boysen commented that he had spoken with City Manager Haydon who expressed concern that if the amendments were made to the policies and the respective Ordinance amendment ordered, it would preclude the Council from appointing members to committees at the next meeting

under the new ordinance. He suggested that the annual appointments could be completed under the old ordinance, and then the new ordinance could follow to affect any future appointments.

City Manager Haydon responded that the appointments could be made under the existing policy, and a subsequent item could follow at that meeting or to be brought back at a later date to make a policy decision to change the existing policy and authorize the ordinance amendment.

Mayor Patino commented that the Mayor had always made the appointments. She stated that she saw it as a fundamental checks and balances, and saw no need to change the practice. The Government Code sets forth that the Mayor shall make all appointments.

Councilmember Zuniga commented that although it had not happened previously, it could potentially happen that the Mayor would not appoint and a Councilmember's nomination. She supports making the annual appointments under the existing policy and then amending the policy for future appointments to the boards. She indicated that there needed to be diversity on the various boards and committees to provide a good representation of the community. By each Councilmember being able to select the people that they can work with, and not have it all in the hands of the Mayor, was important.

Mayor Patino commented that the process had worked fine all these years. She suggested that this item also be continued until the fifth member of the Council was seated.

Councilmember Boysen commented that the reason for the item was that the Mayor currently has the right of veto for all appointments.

City Manager Haydon clarified that the Mayor has the opportunity to not accept the individual's name from consideration by the Council.

Councilmember Boysen stated that, in the spirit of fairness, individual appointments by Councilmembers would come to the full Council for ratification, and the Mayor would have one vote as all other Councilmembers do. He would not be opposed to continuing the item to the next meeting for further discussion.

The agenda item was continued to the next regular City Council meeting on January 15, 2013, on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and carried on the following vote:

AYES:	Councilmembers Boysen, Orach, Zuniga, and Mayor Patino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Agenda Item 6 – Discussion of the Nomination and Appointment Process for all City Boards, Commissions and Committees was continued to January 15, 2013.

CITY MANAGER'S REPORT

City Manager Haydon reported on items anticipated for the January 15, 2013, City Council Meeting, including the filling of the Council vacancy, the board appointment process, the annual appointments to boards, commissions, and committees, and the Mayor Pro Tem appointment.

City Manager Haydon reminded the Council that January 16, 2013, was the new Mayor and Councilmembers Conference in Sacramento. The intent was to leave following the Council meeting on January 15, 2013.

ORAL REPORTS BY COUNCILMEMBERS

City Attorney Trujillo gave an overview of the reporting requirements of AB1234, specifically on ethics training required by Councilmembers every two years and reimbursements for travel expenses, mileage and lodging while on City business. Councilmembers are required to give an oral report of the reimbursements at the next Council meeting which was to include the name of the conference attended, the dates attended, and a brief summary of the conference or meeting.

Councilmember Zuniga expressed her appreciation of the Department Heads and support staff.

There were no other reports of Councilmembers.

CLOSED SESSION:
The City Council recessed to a Closed Session at 10:22 p.m. to discuss Conference with Labor Negotiators pursuant to Section 54957.6 of the Government Code with Agency Representative: Deputy City Manager and Employee Organizations: Santa Maria Police Officers Assoc. (SMPOA); Service Employees International Union (SEIU) Local 620; Fire Fighters Union Local 2020; Public Safety Managers; Santa Maria Police Association of Middle Management (SMPAMM); and Non-Represented Management and Confidential Employees.

After the Closed Session, the following report was given:

Conference with Labor Negotiator: A status report was given.

ADJOURNMENT
There being no further business to come before the City Council at this time, Mayor Patino declared the meeting adjourned at 10:40 p.m.

APPROVED

January 15, 2013
Date

Rhonda M. Garietz, CMC
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Alice M. Patino
Mayor of the City of Santa Maria

ATTEST

Rhonda M. Garietz, CMC
Chief Deputy City Clerk